



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, १ दिसम्बर, १९९३/१० अग्रहायण, १९१५

हिमाचल प्रदेश सरकार

LAW DEPARTMENT

Legislation (English) Section

NOTIFICATION

Shimla-2, the 18th November, 1993

No. LLR-E(9) 7/93-Legislation.—The Merchant Shipping (Amendment) Ordinance, 1993 (Ordinance No. 34 of 1993) promulgated by the President of India on 27th October, 1993 and published in the Gazette of India (Extraordinary), Part-II, Section-I, dated 27th October, 1993 is hereby republished in the Himachal Pradesh Government Rajpatra, Extra-ordinary for the information of the general public.

By order,

Sd/-
Secretary.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 27th October, 1993/Kartika 5, 1915 (Saka)

THE MERCHANT SHIPPING (AMENDMENT) ORDINANCE, 1993

No. 34-1993

Promulgated by the President in the Forty-fourth Year of the Republic of India.

An Ordinance further to amend the Merchant Shipping Act, 1958.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This ordinance may be called the Merchant Shipping (Amendment) Ordinance, 1993.

(2) It shall come into force at once.

2. *Amendment of section 21.*—In section 21 of the Merchant Shipping Act, 1958 (44 of 1958) (hereinafter referred to as the principal Act), for clauses (b) and (c), the following clauses shall be substituted, namely :—

“(b) a company or a body established by or under any Central or State Act which has its principal place of business in India; or

(c) a co-operative society which is registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law relating to co-operative societies for the time being in force in any State”.

3. *Amendment of section 42.*—In section 42 of the principal Act,—

(i) in sub-section (1), after the words “interest therein”, the words “at any time during which the security of India or any part of the territory thereof is threatened by war or external aggression” shall be inserted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) No transfer or acquisition of any Indian ship shall be valid unless—

(a) all wages and other amounts due to seamen in connection with their employment on that ship have been paid in accordance with the provisions of this Act;

(b) the owner of the ship has given notice of such transfer or acquisition of the ship to the Director General.

4. *Amendment of section 45.*—In section 45 of the principal Act, in sub-section (2), for the words “company or any co-operative society”, the words “company or body or co-operative society” shall be substituted.

5. *Substitution of new section for section 51.*—For section 51 of the principal Act, the following section shall be substituted, namely:—

“51. *Rights of mortgagee.*—(1) Where there is only one registered mortgagee of a ship or share, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged ship or share without approaching the High Court:

Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due in the High Court as provided in sub-section (2).

(2) Where there are two or more registered mortgagees of a ship or share they shall be entitled to recover the amount due under the mortgage in the High Court, and when passing a decree or thereafter the High Court may direct that the mortgaged ship or share be sold in execution of the decree.

(3) Every registered mortgagee of a ship or share who intends to recover the amount due under the mortgage by selling the mortgaged ship or share under sub-section (1) shall give an advance notice of fifteen days relating to such sale to the registrar of the ship's port of registry.

(4) The notice under sub-section (3) shall be accompanied with the proof of payment of the wages and other amounts under clause (a) of sub-section (4) of section 42”.

6. Section 412 of the principal Act shall be omitted.

7. In section 414 of the principal Act, in sub-section (2), clauses (b) and (c) shall be omitted.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secretary to the Government of India.

